

### **DETAILED ACTION**

1. Applicant's Response to Office Action, received 11 November 2009, is acknowledged.

Claims 34 and 35 have been amended. Claims 37 and 38 have been cancelled.

2. Claims 31-35 and 39-53 are pending and under consideration.

### **Rejections Withdrawn or Moot**

3. The rejection of claims 37 and 38 under 35 U.S.C. 112, first paragraph, scope of enablement for any/all fragments of said heat shock proteins providing pain relief, is moot in light of the cancellation of the claims.

4. The rejection of claims 37 and 38 under 35 U.S.C. 112, first paragraph, scope of enablement for relieving pain by administration of polynucleotides encoding a heat shock polypeptide, is moot in light of the cancellation of the claims.

5. The rejection of claims 34 and 35 under 35 U.S.C. 112, first paragraph, scope of enablement for any/all fragments of said heat shock proteins providing pain relief, is withdrawn in light of the amendment of the claims.

6. The rejection of claims 31-35 and 39-53 under 35 U.S.C. 112, first paragraph, scope of enablement for relieving pain by administration of polynucleotides encoding a heat shock polypeptide, is withdrawn in light of the amendment of the claims.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Tu A. Phan, Ph.D., Reg. No. 59,392, on 27 January 2010.

The application has been amended as follows:

**IN THE SPECIFICATION:**

**Page 9, lines 25-26, are amended as follows:**

Figure 3 – Amino acid (SEQ ID NO:6) and nucleic acid (~~SEQ ID NO:3~~) (SEQ ID NO:5) sequences of *Mycobacterium tuberculosis* Chaperonin 10.

**Conclusion**

7. Claims 31-35 and 39-53 are allowed.
8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's Supervisor, Robert B. Mondesi (571)272-0956.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

February 12, 2010